

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 07-44229-659 Chapter 13
)
DENTON EUGENE LOUDERMILL)
) Response Due: 08/06/2008
) Hearing: 4
Debtor(s))

TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS AND NOTICE

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee In bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above captioned case was filed on Jul 04, 2007. The debtor's plan proposes to pay the sum of \$ 560.00 per month.
2. Pursuant to 11 U.S.C. 1326(a)(1) the debtor's first payment was due on August 3, 2007 .
3. That the Trustee has received payments from the debtor over the last nine months as set forth in exhibit A, attached hereto.
4. That payments due to the Trustee to date are \$ 6,720.00 but the total paid into the plan to date is \$ 5,190.00 .
5. That the debtor is \$ 1,530.00 in default through Jul 17, 2008.

WHEREFORE, the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

NOTICE OF FILING OF MOTION TO DISMISS

Please take notice that the Chapter 13 Trustee has filed a Motion to Dismiss. Any responsive pleadings including an amended plan, if one is to be filed, must be filed in writing with the US Bankruptcy Court, 111 S Tenth St, 4th Floor, St. Louis MO, 63102, and with the Chapter 13 Trustee at the address indicated below, within 20 days of the date of this notice. If no responsive pleading is filed, the motion may be granted without further notice to any party upon submission of an order from the Trustee. If a response is filed, this matter will be set for hearing upon subsequent notice.

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of July 17, 2008 .

/s/ John V. LaBarge, Jr.

DAM-026

John V LaBarge Jr Ch 13 Trustee
P.O. Box 430908
St. Louis, MO 63143 (314) 781-8100
trust33@ch13stl.com Fax: (314) 781-8881

D LOUDERMILL
11914 ROSADO DRIVE
SAINT LOUIS MO 63138

FRANK R LEDBETTER
145 GLENRIDGE LN

ST LOUIS MO

63146

In re:) CASE NO: 07-44229-659 Chapter 13
)
 DENTON EUGENE LOUDERMILL)
) Response Due: 08/06/2008
) Hearing:
 Debtor(s)) 4

EXHIBIT A

RECEIPTS FROM Oct 17, 2007 TO Jul 17, 2008

| RECEIPT DATE | RECEIPT AMOUNT | RECEIPT TYPE |
|--------------|----------------|----------------------------------|
| ----- | ----- | ----- |
| Oct 22, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Oct 29, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Nov 02, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Nov 12, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Nov 19, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Nov 26, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Dec 04, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Dec 10, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Dec 17, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Dec 26, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Dec 28, 2007 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Jan 07, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Jan 14, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Jan 22, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Jan 28, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Feb 04, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Feb 11, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Feb 18, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Feb 25, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Feb 29, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Mar 10, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Mar 14, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Mar 24, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Mar 27, 2008 | \$ 140.00 | EMPLOYER PAYROLL DEDUCTION CHECK |
| Jun 02, 2008 | \$ 100.00 | MONEY ORDER FROM DEBTOR |
| Jun 02, 2008 | \$ 50.00 | MONEY ORDER FROM DEBTOR |